



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q62244

Junichiro SHIBATA, et al.

Appln. No.: 09/733,984

Group Art Unit: 2612

Confirmation No.: 3673

Examiner: Tuan V. Ho

Filed: December 12, 2000

For: PORTABLE TERMINAL

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Technology Center 2600

INVENTOR'S DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Junichiro Shibata, hereby declare and state:

I am a citizen of Japan, and a co-inventor of the invention entitled PORTABLE TERMINAL, which is disclosed and claimed in the above referenced U.S. Patent Application Serial No. 09/733,984.

I graduated from Chuo University on March 31, 1992, and obtained a Bachelor's Degree in Department of precision instrument engineering.

I am employed by NEC Corporation., a corporation of Japan and the assignee of the above-referenced application by virtue of an assignment recorded in the U.S. Patent and Trademark Office at Reel 011359, Frame 0269 on December 12, 2000.

I, along with fellow co-inventor Shuuji Yamaguchi, conceived the invention disclosed and claimed in the above-referenced application in the course of my work for NEC Corporation, at least as early as September 17, 1999, as more fully described below.

I am the co-inventor of the subject matter of the Japanese Patent Application No. 354459/1999 filed on December 14, 1999, in the Japanese Patent Office. An English translation

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of the Japanese Patent Application No. 354459/1999 is provided herewith for reference and attached as Exhibit "A".

Prior to September 27, 1999, the effective U.S. filing date of U.S. Patent No. 6,510,325, having earlier conceived the idea of the portable terminal, as set forth in the specification of the above-referenced application, the present invention was formally submitted to my employer NEC Corporation.

Prior to September 27, 1999, it was standard practice of employees of NEC Corporation to submit their inventions to the Patent Department at NEC Corporation on an Invention Disclosure form, after their inventions were approved by their supervisors.

The submission of the above Invention Disclosure form to the Patent Department at NEC Corporation for the present invention occurred prior to September 27, 1999. The Invention Disclosure form, along with an English translation thereof, are attached as Exhibits "B" and "C", respectively.

The attached Invention Disclosure form completely discloses the present invention as set forth and claimed in the above-referenced application.

At the time the subject matter of the present application was invented, it was common practice at NEC Corporation to have patent applications prepared by persons not employed by NEC Corporation.

In the ordinary course of business, and in due time, NEC Corporation sent a request to Masao Matsumoto (Patent Attorney) of 36-10,

Nishi-Ikebukuro 2-chome

Toshima-ku, Tokyo 171-0021

Japan,

requesting the preparation of a patent application based on the invention disclosure. A copy of the above request and an English translation thereof, are attached as Exhibits "D" and "E", respectively.

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In the ordinary course of business, and in due course, Mr. Masao Matsumoto prepared a draft Japanese application and forwarded the draft application to NEC Corporation on November 25, 1999. A copy of the letter from Mr. Masao Matsumoto and an English translation thereof, are attached as Exhibits "F" and "G", respectively.

In the ordinary course of business, NEC Corporation reviewed and approved the draft application prepared by Mr. Masao Matsumoto and Mr. Masao Matsumoto prepared the Japanese application in the ordinary course of business through the Japanese application's filing date of December 14, 1999 in the Japanese Patent Office, which is the priority document (JP 354459/1999) of the above-referenced application.

I, executed an Assignment document covering the invention described in the above-referenced Invention Disclosure form on behalf of NEC Corporation, the subsequent assignee of the Japanese patent application No. 354459/1999 by virtue of an assignment dated September 17, 1999. A copy of this Assignment and an English translation thereof, are attached as Exhibit "H" and "I", respectively.

The present invention, as claimed in the present application, is completely disclosed in the Japanese Patent Application No. 354459/1999.

In view of the discussion above, I respectfully submit that I, along with co-inventor Shuuji Yamaguchi, had completed the apparatus for the portable terminal as described and claimed in the subject application in Japan at least as early as September 17, 1999.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

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Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Aug, 16, 2004
Date

Junichiro Shibata
Junichiro Shibata
NEC Corporation